

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4161 OF 2005

Sahebrao Baburao Shinde ...Applicant
VS.
State of Maharashtra ...Respondent

Mr.Farooque Momin i/b Noor Memon for the Applicant
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA, J.
DATE : AUGUST 10,2005

P.C.:

1. The Applicant and other co-accused have allegedly committed offence under Sections 302, 201 read with Section 34 of I.P.C.

2. The learned Advocate for the Applicant submitted that all other co-accused have been enlarged on bail. He submitted that the incident was not premeditated and no motive can be attributed against the Applicant. He submitted that it is alleged by the prosecution that only one blow of the stick is given by the Applicant on the head of the deceased. He therefore submitted that the Applicant is entitled to be enlarged on bail. The learned A.P.P. pointed out the material available against the Applicant.

3. There are at least 4 witnesses who have stated that the Applicant assaulted the deceased on his head by a wooden log.. The P.M.Notes show corresponding injury over the occipetal

region of scalp which is allegedly caused by hard and blunt object. The cause of death as mentioned in the P.M. Notes is due to cardio-respiratory failure due to sub-dural haematoma - injury to brain due to injury over skull (Traumatic).

4. There is enough material on record at this stage to show complicity of the Applicant. I find no reason to differ from the view taken by the learned Sessions Judge. Hence, the Application is rejected.

JUDGE